



United States
Department of
Agriculture

Forest
Service

Lake Tahoe Basin Management
Unit

35 College Drive
South Lake Tahoe, CA 96150
(530) 543-2600

File Code: 1950

Date: December 2, 2009

Dear Interested Individuals, Organizations and Agencies:

The Forest Service, Lake Tahoe Basin Management Unit (LTBMU) is providing a second opportunity for the public to comment (**ending on December 17, 2009**) on the Spooner Hazardous Fuels Reduction and Healthy Forest Restoration Project (Spooner project). The project is located on the eastern side of Lake Tahoe along both sides of portions of Highway 50 and Nevada State Route 28, between Logan House Creek/Lincoln Park (to the south) and Sand Harbor State Recreation Area (to the north). This project is in portions of Washoe and Douglas Counties and Carson City in the State of Nevada. This project involves treatments in the Wildland Urban Interface (WUI) to reduce the potential for a catastrophic wildland fire in the area, while restoring the health and vigor of the forest. Additionally, the treatments would move the project area toward a pre-fire suppression vegetative condition, create conditions that enable the reintroduction of managed fire into these fire-adapted ecosystems, and provide for defensible space adjacent to communities in the project area where fire suppression operations can be more safely and effectively conducted in the event of a wildfire.

The Spooner project includes treatment types that would be similar in design and outcome as the Roundhill Fuel Reduction Project (which is south of and adjacent to the Spooner Project). Compared to the Roundhill Project, the proposed Spooner Project treatments include a higher proportion of prescribed pile burning and subsequent underburning as well as cable treatments that would maximize biomass removal in areas that would be otherwise treated with hand thinning and piling. The Spooner proposed action includes 30 treatment units, totaling approximately 3,755 acres, within the project area of WUI. Approximately 3,415 acres are proposed for hand treatment (use of chainsaws and hand piling/burning fuels), 270 acres are proposed for mechanical treatment (use of ground-based equipment to remove fuels), and 70 acres are proposed for cable yarding (removing fuels where ground-based equipment cannot access, primarily steep slopes). Within eight of these units are aspen restoration treatments totaling approximately 50 acres. Treatment units would likely receive some form of pile burning and/or jackpot burning as well as receiving a minimum of at least one broadcast underburn.

The purpose of this second opportunity to comment is to recognize recent changes to the National Environmental Policy Act (NEPA) and Appeal processes:

- On February 26, 2009, under the Omnibus Appropriations Act, 2009, Section 423, the LTBMU was authorized to categorically exclude hazardous fuel reduction projects, not in excess of 5,000 acres, including no more than 1,500 acres of mechanical thinning, from documentation in an environmental impact statement or an environmental assessment under NEPA. Section 423 requires that the project (1) is consistent with the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy published in December 2007 and any subsequent revisions to the Strategy, (2) is not conducted in any wilderness areas, and (3) does not involve any new permanent roads.
- On July 8, 2009, the United States District Court for the Eastern District of California lifted the injunction it had issued in *Earth Island Institute v. Pengilly*, in response to the Supreme Court's March 3, 2009, ruling in *Summers v. Earth Island Institute*. This decision reinstates existing regulations that exempt categorical exclusion decisions from appeal (36 CFR 215.12(f)) and from notice and comment requirements (36 CFR 215.4). Projects that can be categorically excluded from EA and EIS documentation still include public involvement through the NEPA scoping process.



A few individuals and groups assumed prior to the July 8, 2009 court decision that there would be a formal comment period for this project and did not provide any comments during the scoping period (which began on March 20, 2009) and did not attend the all day open house public meeting. To address this concern, the pre-Decisional Memo for the Spooner project is attached for review and comment.

There were minor changes made to the project description based on further analysis and these changes are incorporated into the pre-Decisional Memo. One key change is Roadless Area treatment, in which mechanical treatments initially proposed within the WUI portion of the Lincoln Creek Roadless Area were changed to hand thinning/pile burning treatments. Another change to note is clarifying and adding project design features based on what we learned from as well as the magnitude of the October 13, 2009 rain event. Design features # 32, 36, 60, and 65 address what was learned from the recent rain event.

Comments can be provided through written, facsimile, hand-delivered, oral, and electronic methods. The office business hours for those providing hand-delivered comments are 8:00 am to 4:30 pm Monday through Friday, excluding holidays. Oral comments may be provided during normal business hours via telephone at (530) 543-2600 or in person. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to comments-pacificsouthwest-ltbmu@fs.fed.us using subject: Spooner Project. Comments in written, hand delivered or facsimile forms can be submitted to Duncan Leao, Interdisciplinary Team Leader, Lake Tahoe Basin Management Unit, 35 College Dr., South Lake Tahoe, CA 96150; 530-543-2693 (FAX).

Comments received in response to this request, including names and addresses of those who comment, will be considered part of the public record on this project and will be available for viewing by request.

The decision for this project is intended to be made soon after the public comment period, and notification will be provided to those who have submitted comments and to those who have requested to be added to the Spooner Project mailing list. If you have any questions, please direct them to Duncan Leao at (530) 543-2660.

Sincerely,



TERRI MARCERON

Forest Supervisor

Enclosure: Spooner pre-Decisional Memo